

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DWAYNE McNAIR,
Defendant.

No. 3:14-CR-00462 WHA

**[PROPOSED] ORDER RE:
PRETRIAL SCHEDULE AND
DISCOVERY DISCLOSURE DATES**

The Court sets the following disclosure and motion dates in the above-entitled case.

Jury Trial

1. Trial will begin with jury selection on Monday, January 4, 2015 at 7:30 a.m.;

Pretrial Motion to Suppress

2. The Court has presided over two days of evidentiary hearings relating to Mr.

McNair's motion to suppress;

3. The parties shall file post-hearing briefs on the motion to suppress on Wednesday, October 28, 2015;

4. The parties shall file any Oppositions to these post-hearing briefs by Tuesday, November 3, 2015;

5. A hearing on the defendant's motion to suppress shall be held on Tuesday, November 10, 2015 at 2:00 P.M;

Disclosure Dates

6. By Tuesday, November 9, 2015, the parties shall reciprocally disclose:

- a. An identification of any expert witnesses, along with their curriculum vitae and a meaningful summary of the witnesses's anticipated testimony;
- b. Identification of evidence sought to be admitted under Federal Rules of Evidence 404(b), 608, and 609, to the extent required by Federal Rules of Evidence;
- c. All materials required to be disclosed under Federal Rule of Criminal Procedure 16;
 - i. The defense has represented in Court that it disclaims any alibi defense;
 - ii. The defense has represented in Court that it disclaims any insanity defense;

Pretrial Conference

7. The Pretrial Conference shall be held on Monday, December 14, 2015 at 9:00 a.m.;

8. By December 2, 2015, the parties shall file any *in limine* motions. Filings to be made on December 2, 2015 shall include:

- a. Motions under Federal Rule of Evidence 702 regarding expert witnesses;
 - b. Motions to exclude evidence offered under Federal Rules of

1 Evidence 404(b), 608, or 609;

- 2 c. Motions to exclude hearsay evidence, to the extent known by that
3 date;

4 9. On December 7, 2015:

- 5 a. The parties shall submit Pretrial Conference Statements;
6 b. The parties shall submit proposed jury instructions;
7 c. The parties may file motions in support of or contesting proposed
8 jury instructions;
9 d. The parties will submit proposed verdict forms;
10 e. The parties will submit any stipulations.
11 f. The parties shall disclose witness lists for their cases in chief;
12 g. The parties shall disclose exhibit lists for their cases in chief;
13 h. The government shall disclose *Brady / Giglio* evidence, including
14 witness statements that fall within *Brady*;
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16 10. On Wednesday, December 9, 2015:

- 17 a. The parties shall cross-file Oppositions to the above *in limine*
18 motions;
19 b. The parties will not file reply briefs to these *in limine* motions.
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11. By December 28, 2015 at 5:00 pm., the parties will disclose witness statements covered by the Jencks Act.

IT IS SO ORDERED.

Date: October 26, 2015.


WILLIAM ALSUP

United States District Court Judge

Northern District of California